

REMARKS

Claims 1-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 6,561,709 (McVeigh et al.), U.S. Patent No. 6,302,389 (Kato et al.), and U.S. Patent No. 6,142,461 (Asao et al.). By this amendment, claims 1-18 have been amended and new claims 19 and 20 have been added to further define features of the present invention. Reconsideration and withdrawal of these rejections in view of the foregoing amendments and following remarks is thus respectfully requested.

Initially, Applicant would like to thank Examiners Severson and Mackey for the courtesies extended to Applicant's representative during the personal interview conducted on May 8, 2007. During the interview, proposed amendments to the claims to further define the controlling portion were discussed. The Examiners also suggested language to further define over the cited art, for which Applicant is appreciative.

Accordingly, submitted herewith are amendments taking into consideration the Examiners' comments during the personal interview. Applicant submits that the cited art of record fails to teach or suggest the features now recited in each of the independent claims.

McVeigh et al. teaches a fastening, ejecting and stacking system with an automatic dynamic ramp system. The dynamic ramp system has a foldable member, which lifts up a stapled area to prevent snagging. Kato et al. teaches a sheet treating apparatus with a sheet pressing member. A driving device retracts the sheet pressing member when the tray is lowered and moves the sheet pressing member to the pressing portion when the tray is lifted. Asao et al. teaches a sheet processing device with a rotation support member to transfer a sheet to the stacking part as if carrying the sheet.

Applicant submits that these cited patents fail to teach or suggest the features now recited in each of the independent claims, *inter alia*, a controlling portion that controls the acceleration of the sheet rear end aligning unit by determining at least one sheet characteristic of the sheet or sheet bundle being pressed. The cited art fails to teach or suggest taking into consideration any features or characteristics of the sheet or sheet bundle to determine an acceleration as defined in independent claims 1, 6, 10 and 15.

For the foregoing reasons, Applicants respectfully submit that the invention as defined in each of independent claims 1, 6, 10 and 15 is neither taught nor suggested by the applied art, whether that art is taken individually or in combination.

The remaining claims in the above application are dependent claims which depend either directly or indirectly from one of the above-discussed independent claims and are therefore patentable over the art of record for reasons noted above with respect to the independent claims. In addition, each recite features of the invention still further distinguishing it from the applied art. Favorable and independent consideration thereof is respectfully sought.

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. This Amendment was not earlier presented because Applicants earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 CFR 1.116 is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

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